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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 32**

**Scrabster (Inner Harbour Development)  
Harbour Revision Order 2000**

**PART II  
WORKS**

**Power to carry out works**

**3.—(1)** Subject to the provisions of this Order, the Trust may, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections, carry out and maintain the following improvement works in the parish of Thurso, County of Caithness, Highland, and on the foreshore and the bed of the sea adjacent thereto together with all necessary and proper works and conveniences connected therewith and incidental thereto:—

(Work No.1) A quay of open construction with a concrete deck commencing at a point 3 metres east and 11 metres north of the north-east corner of the building marked “RNMDSF” on the plan at a point ND 31000 97031 and extending 219 metres east-north-east to terminate at the west face of the existing Ice Plant Quay at a point ND 31020 97039, with a berthing face on the south side thereof.

(Work No.2) A quay of solid construction commencing at a point 9 metres east and 5.5 metres north of the north-east corner of the building marked “RNMDSF” on the plan at a point ND 31000 97031 and extending 18 metres south-south-east and thereafter turning and extending 103 metres south-east to terminate at a point ND 97020 31005 with a berthing face and with a reclamation of the seabed by infilling, levelling and surfacing.

(Work No.3) Dredging of an area of seabed commencing at a point 5 metres north and 31 metres east of the south-east corner of the building marked “RNMDSF” on the plan at a point ND 31004 97027 and extending 187 metres or thereabouts east-north-east to terminate at a point ND 31021 97034.

(Work No.4) Dredging of an area of seabed commencing at a point 49 metres south and 8 metres west of the south-west corner of the Ice House marked on the plan at a point ND 31022 97026 and extending 276 metres or thereabouts south-east and thence turning and extending 69 metres or thereabouts east-south-east and thence turning and extending 63 metres or thereabouts east-north-east to terminate at a point ND 31055 97008.

(Work No.5) A finger pier and breakwater of solid construction commencing at a point 78 metres east and 108 metres south of the south-east corner of the Fishmarket Building marked on the plan at a point ND 31021 97003 and extending 60 metres or thereabouts north-east and thence turning and extending 76 metres or thereabouts north and thence turning and extending 12 metres or thereabouts north-west to terminate at a point ND 31025 97014 with a berthing face on the north-west and west sides thereof and with a reclamation of the seabed by infilling, levelling and surfacing.

(Work No.6) A reclamation of the seabed commencing at a point 172 metres south and 67 metres east of the south-west corner of the Pentland Firth Yacht Club Clubhouse marked on the plan at a point ND 30999 96984 and extending 175 metres or thereabouts north to terminate at a point ND 30999 97001 by infilling, levelling and surfacing and all necessary spending slopes.

(2) The Trust may, within the limits of deviation, maintain, renew, reconstruct and alter temporarily or permanently the works.

#### **Power to deviate**

4. Subject to the provisions of this Order, in carrying out the works the Trust may deviate laterally from the lines or situations thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on the said plan and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 1 metre upwards and to such extent downwards as may be found necessary or convenient.

#### **Subsidiary works**

5. Subject to the provisions of this Order, the Trust may within the limits of deviation from time to time erect, construct, maintain and operate, whether temporarily or permanently, all such subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

#### **Power to dredge**

6.—(1) Subject to the provisions of this Order the Trust may from time to time deepen, dredge, scour, cleanse, alter and improve the harbour for the purpose of affording uninterrupted means of access to the harbour or any part of it or the accommodation of vessels thereat.

(2) The Trust may use, appropriate or dispose of any material (other than a wreck within the meaning of Part IX of the Merchant Shipping Act 1995)(1) from time to time dredged by them from the harbour.

(3) Subject to the provisions of this Order no materials so dredged shall be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water other than in such position and under such conditions and restrictions as may be approved or directed by the Scottish Ministers.

#### **Obstructing works**

7. Any person who intentionally obstructs any person acting under the authority of the Trust in setting out the lines of or in constructing the works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Works to be deemed part of harbour undertaking**

8. The works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Trust for the time being in force relating to the harbour undertaking shall apply to the works and may be enforced by the Trust accordingly.

#### **Tidal works not to be executed without approval of Scottish Ministers**

9.—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed or altered except in accordance with plans and sections approved by the Scottish Ministers and subject to any conditions and restrictions imposed by the Scottish Ministers before the work is begun or while work is still in progress.

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(1) 1995 c. 21

(2) If a tidal work is demolished, constructed, renewed, reconstructed or altered in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Scottish Ministers may by notice in writing require the Trust at its own expense to remove the tidal work or any part of it and restore the site to its former condition; and if on the expiration of 30 days from the date when the notice is served upon the Trust it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice; or
- (b) if it appears to the Scottish Ministers urgently necessary to do so, they may themselves remove the tidal work or part of it and restore the site to its former condition,

and any expenditure incurred by the Scottish Ministers in so doing shall be recoverable from the Trust as a debt.

### **Survey of tidal works**

**10.** The Scottish Ministers may at any time, if they deem it expedient, order a survey and examination of a tidal work or of a site upon which it is proposed to construct the work and any expenditure incurred by them in such a survey and examination shall be recoverable from the Trust as a debt.

### **Provision against danger to navigation**

**11.—(1)** In case of injury to or destruction or decay of a tidal work or any part thereof, the Trust shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with the provisions of this article, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

### **Abatement of works abandoned or decayed**

**12.—(1)** Where a tidal work is abandoned, or suffered to fall into decay, the Scottish Ministers may by notice in writing require the Trust at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site to its former condition, to such an extent and within such limits as the Scottish Ministers think proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere, or to cause reasonable apprehension that it may interfere, with the right of navigation or other public rights over the foreshore, the Scottish Ministers may include that part of the work or any portion of it, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Trust it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Trust as a debt.

(4) A notice or other document required to be served under this article may be served by first class post and that notice shall be deemed served the next day after the date of posting.

### **Lights on tidal works during construction**

13.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Trust shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

### **Permanent lights on works**

14.—(1) After the completion of a tidal work the Trust shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Trust fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

### **Period for completion of works**

15. If the works are not completed within 10 years from the coming into force of this Order, the powers granted by this Order to the Trust for constructing the works shall cease except as to so much thereof as is then substantially commenced.